

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN R. DAVIES,

Plaintiff,

-v.-

Civil Action No.
3:08-cv-1115 (GLS/VEB)

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Hinman, Howard Law Firm
P.O. Box 5250
80 Exchange Street
700 Security Mutual Building
Binghamton, New York 13902-5250

EUGENE D. GAUGHNAN, ESQ.

FOR THE DEFENDANT:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

MARIA P. FRAGASSI
SANTANGELO, ESQ.
ELLEN E. SOVERN, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed June 17, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed June 17, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

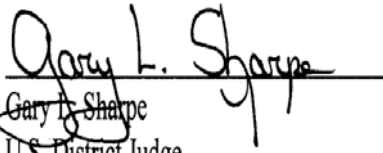
ORDERED, that the defendant's motion for judgment on the pleadings is GRANTED and the plaintiff's motion for judgment on the pleadings is DENIED and that the decision of the Commissioner is AFFIRMED, and it is further

ORDERED, that the Clerk enter judgment and close the case, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties.

IT IS SO ORDERED

Dated: July 14, 2010
Albany, New York



Gary L. Sharpe
U.S. District Judge